

While maintaining the arguments put forth in prior responses distinguishing the claimed invention from that of the cited references, Applicant offers to amend claims 35, 48, 59, 66 and 79, as above. Such amendments are proposed in light of a telephone interview with the Examiner to clarify the language of the claim(s) and further support the arguments set forth in the prior responses. Per the discussion with the Examiner, Applicant respectfully submits that the cited references fail to disclose or suggest that which is claimed in 35, 48, 59, 66 and 79, as amended. Accordingly, Applicant respectfully requests that the rejection of such claims be withdrawn.

Applicant notes that claims 37, 40-47, 49-58, 60-63, 67, 68, 70-72 and 80-88 are dependent from one of patentable base claims 35, 48, 59, 66 or 79. Thus, in addition to any independent basis of patentability, claims 37, 40-47, 49-58, 60-63, 67, 68, 70-72 and 80-88 are likewise patentable over the Pentikainen and Bilgic references by virtue of at least such dependency. Accordingly, Applicant respectfully requests that the §103(a) rejection of claims 37, 40-47, 49-58, 60-63, 67, 68, 70-72 and 80-88 be withdrawn.

**§103(a) Rejection of Claims 38, 39, 64, 65, 69, 74, 76, 77 and 90**

In paragraph 5 of the Action, claims 38, 39, 64, 65, 69, 74, 76, 77 and 90 were rejected as being unpatentable over the Pentikainen reference (USP 6,185,412) in view of the Bilgic reference (5,884,148) as applied to claims 35, 37, 48, 59, 68 and 79, in further view of a patent issued to Veerasamy et al (USP 6,208,865) and a patent issued to Gray (USP 6,108,323). In response, the rejection of such claims is traversed.

In maintaining the rejection of claims 38, 39, 64, 65, 69, 74, 76, 77 and 90, the Examiner provides that "the combination of Pentikainen and Bilgic is a priority call system, and the

Veerasamy and Gray references are also referring to priority calls system, therefore the [E]xaminer contends that the combination is proper". Without adopting this characterization of the references, even if the characterization above were accurate, Applicant respectfully submits that the mere fact that references are generally drawn to the same technology does not provide a proper basis to combine the references. That is, the motivation to combine the references as suggested in the Action must come from the references themselves. In this case, Applicant respectfully asserts that the Action has failed to demonstrate support within the references themselves for the proposed combination. The mere fact that the references may concern common subject matter is an insufficient basis to reject the claims based on such a combination.

In this regard, Applicant respectfully submits that the Action has failed to provide the requisite prima facie basis to support the §103 rejections of such claims. Accordingly, Applicant respectfully requests that the §103 rejection of claims 38, 39, 64, 65, 69, 74, 76, 77 and 90 be withdrawn.

**§103(a) Rejection of Claims 73, 75, 78 and 89**

In paragraph 6 of the Action, claims 73, 75, 78 and 89 were rejected as being unpatentable over the Pentikainen reference (USP 6,185,412) in view of the Bilgic reference (5,884,148) as applied to claims 35 and 48; in further view of a patent issued to Joong et al (USP 5,937,355). In response, Applicant respectfully traverses the rejection of such claims.

In maintaining the rejection of claims 73, 75, 78 and 79, the Examiner provides that "the combination of Pentikainen and Bilgic is a priority call system, and the Joong references is also referring to priority calls system, therefore the [E]xaminer contends that the combination is proper". Without adopting this characterization of the references, even if the characterization

above were accurate, Applicant respectfully submits that the mere fact that references are generally drawn to the same technology does not provide a proper basis to combine the references. That is, the motivation to combine the references as suggested in the Action must come from the references themselves. In this case, Applicant respectfully asserts that the Action has failed to demonstrate support within the references themselves for the proposed combination. The mere fact that the references may concern common subject matter is an insufficient basis to reject the claims based on such a combination.

Insofar as the Action has failed to establish the prima facie basis for rejection of such claims, Applicant respectfully requests that the §103(a) rejection of claims 73, 75, 78 and 89 be withdrawn.

**§103(a) Rejection of Claims 91-93 and 95-99**

In paragraph 7 of the Action, claims 91-93 and 95-99 were rejected as being unpatentable over the Veerasamy reference in view of the Joong reference. In response, Applicant respectfully traverses the rejection of such claims.

In support of the continued rejection of claims 91-93 and 95-99, the Action provides that because it carries text, and because text consumes less bandwidth than voice, that an SMS channel of the Joong reference is a reduced rate channel. Applicant respectfully disagrees.

Applicant respectfully asserts that such a characterization is not supported by the Joong reference or the plain meaning of the language as it is used by those skilled in the art. A reduced rate channel is typically defined by the bandwidth provided by the channel, not by the content carried on the channel as asserted in the Action. While the content supported by a channel may be limited by the bandwidth of the channel, the reverse is not true. Accordingly, an SMS

channel is not a reduced rate channel, as that term is well known in the art, simply because it carries textual content.

Thus, in light of at least the foregoing, Applicant respectfully asserts claims 91 and 97 are patentable over the cited references. Accordingly, Applicant respectfully requests that the §103(a) rejection of claims 91 and 97 be withdrawn.

Applicant notes that claims 92, 93, 95, 96, 98 and 99 depend from claims 91 or 97, respectively. Thus, in addition to any independent basis for patentability, Applicant respectfully asserts that claims 92, 93, 95, 96, 98 and 99 are likewise patentable over the Veerasamy and Joong references by virtue of at least their dependence from patentable base claims 91 or 97. Accordingly, Applicant respectfully requests that the §103(a) rejection of claims 92, 93, 95, 96, 98 and 99 be withdrawn.

#### **§103(a) Rejection of Claims 94 and 100**

In paragraph 8 of the Action, claims 94 and 100 were rejected as being unpatentable over the Veerasamy reference in view of the Joong reference as applied to claims 91 and 97, in further view of the aforementioned Gray reference. In response, Applicant respectfully traverses the rejection of such claims.

In maintaining the rejection of claims 94 and 100, the Examiner provides that "the combination of Veerasamy and Joong are priority call systems, and the Gray reference is stating using the invention of Gray for priority calls [and] other system accesses, therefore the [E]xaminer contends that the combination is proper". Without adopting this characterization of the references, even if the characterization above were accurate, Applicant respectfully submits that the mere fact that references are generally drawn to the same technology does not provide a

proper basis to combine the references. That is, the motivation to combine the references as suggested in the Action must come from the references themselves. In this case, Applicant respectfully asserts that the Action has failed to demonstrate support within the references themselves for the proposed combination. The mere fact that the references may concern common subject matter is an insufficient basis to reject the claims based on such a combination.

Insofar as the Action has failed to establish the prima facie basis for rejection of such claims, Applicant respectfully requests that the §103(a) rejection of claims 94 and 100 be withdrawn.

**§103(a) Rejection of Claims 101-109**

In paragraph 9 of the Action, claims 101 through 109 were rejected as being unpatentable over a patent issued to Linneweh et al (USP 5,862,485) in view of the Gray reference. In response, Applicant respectfully traverses the rejection of such claims.

Claim 101 includes the feature of:

adjusting a spatial division multiple access (SDMA)  
channel reuse pattern of a wireless communication station to free  
communication resources to facilitate a telephone call associated  
with the priority channel request when other communication  
channels are not available.

That is, claim 101 is directed to a method for allocating communication resources to service a priority channel request by adjusting a SDMA channel reuse pattern to free communication resources to accommodate the priority channel request when communication resources are not otherwise available. Despite the characterization in the Action, neither the Linneweh nor the Gray references, alone or in combination, disclose or suggest at least this claim element.

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Despite the characterization in the Action, the Linneweh reference does not disclose or suggest the "adjusting a channel reuse pattern of a wireless communication station *to free communication resources* to facilitate a telephone call...". Rather, Linneweh specifically discloses that if a priority channel request is received by a basestation without available resources, the basestation goes into a reservation state, wherein the BS will begin to reserve communication resources *as they become available* for use in services priority channel requests (see, e.g., col. 3, lines 60-67; col. 4, lines 1-11, lines 29-38 and 52-58). That is, despite the characterization in the Action, Linneweh does not disclose or suggest the freeing of channels as claimed.

Thus, without adopting the characterization of the Gray reference found in the Action, and without the need to further characterize the Gray reference, Applicant respectfully submits that the Gray reference was not cited as curing and does not, in fact, cure the above-referenced deficiencies of the Linneweh reference. Accordingly, Applicant respectfully submits that claim 101 is patentable over the Linneweh reference in view of the Gray reference.

Applicant respectfully submits that claim 106 enjoys claim features similar to those of claim 101, albeit in accordance with its respective embodiment. Accordingly, Applicant respectfully asserts that claim 106 is likewise patentable over the Linneweh and Gray references using arguments analogous to those presented above with respect to claim 101.

Applicant notes that claims 102-105 and 107-109 are dependent on patentable base claims 101 or 106. In this regard, despite any additional independent basis for patentability, claims 102-105 and 107-109 are patentable over the cited references by virtue of at least their dependence on such patentable base claims. Accordingly, Applicant respectfully requests that the §103(a) rejection of claims 102-105 and 107-109 be withdrawn.

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**Conclusion**

In light of the foregoing amendments and remarks, Applicant respectfully submits that claims 35 and 37-109 are now in condition for allowance and earnestly awaits notice thereof.

Please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666.

Respectfully submitted,  
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**Appendix A: Marked-up Claims Denoting Amendment**

1 35. (Twice Amended) In a wireless local loop subscriber unit, a method facilitating a telephone  
2 call comprising:  
3 determining whether a communication channel is available at a servicing communication  
4 station to accommodate the telephone call;  
5 providing a telephone interface with an indication denoting the unavailability of a  
6 communication channel if it is determined that the communication station does not have a  
7 communication channel available; and  
8 [enabling receipt of] receiving a digit of one or more digits of a telephone number from  
9 the telephone interface even if no communication channels are available, [and] comparing [each  
10 of the received digits] the received digit, as received, against a corresponding digit[s] of one or  
11 more emergency codes and, if the digits match, iteratively repeating the element of receiving for  
12 comparison of a subsequent digit of the one or more digits of the telephone number from the  
13 telephone interface, as necessary, to determine whether a priority channel request is required to  
14 facilitate an emergency telephone call, and otherwise disabling the [receipt of] interface from  
15 accepting further digits if it is determined that a received digit is not associated with an  
16 emergency code.

1 48. (Twice Amended) A wireless local loop subscriber unit comprising:  
2 a telephone interface, to enable a user to enter a telephone number to place a telephone  
3 call; and

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4 a transceiver, coupled to the telephone interface, to [accept entry of a telephone number  
5 entered by the user even after determining that no communication channels are currently  
6 available from a servicing communication station, to compare each digit of the telephone number  
7 as received against a corresponding digit of one or more emergency codes to determine whether  
8 to issue a priority channel request to the communication station for a communication channel if  
9 the telephone number received from the telephone interface corresponds to one or more  
10 emergency services, and to disable receipt of additional digits of a telephone number if it is  
11 determined that a received digit is not associated with an emergency code] receive a digit of one  
12 or more digits of a telephone number from the interface even if a communication channel is not  
13 currently available, to compare the received digit, as received, against a corresponding digit of  
14 one or more emergency codes and, if the digits match, accept and compare a subsequent digit of  
15 the telephone number from the interface, as necessary, to determine whether a priority channel  
16 request is required to facilitate an emergency telephone call, and otherwise disabling the  
17 interface from accepting further digits if it is determined that the received digit is not associated  
18 with an emergency code.

1 59. (Twice Amended) A wireless communication system comprising:

2 a communication station, to communicatively couple one or more wireless local loop  
3 subscriber unit(s) to a wireline telephony network; and

4 a wireless subscriber unit, communicatively coupled to the communication station, to  
5 accept entry of a digit of a telephone number [by a user via] through a telephone interface even  
6 after determining that no communication channels are currently available between the subscriber  
7 unit and the communication station [as long as entered digits conform to corresponding digits of

8 one or more emergency code(s) associated with one or more emergency services, and to issue a  
9 priority channel request for a communication channel if no communication channels are  
10 otherwise available to service a telephone call to an emergency service], the subscriber unit to  
11 compare the received digit, as received, against a corresponding digit of one or more emergency  
12 codes and, if the digits match, accept and compare a subsequent digit of the telephone number  
13 from the interface, as necessary, to determine whether a priority channel request is required to  
14 facilitate an emergency telephone call, and otherwise disabling the interface from accepting  
15 further digits if it is determined that the received digit is not associated with an emergency code.

1 66. (Twice Amended) An article of manufacture comprising:  
2 a machine accessible medium to provide instructions which, when executed by a wireless  
3 local loop subscriber unit, cause the subscriber unit to determine whether a communication  
4 channel is available at a servicing communication station to accommodate a telephone call upon  
5 detecting an off-hook signal from a telephone interface, provide the telephone interface with an  
6 indication denoting the unavailability of a communication channel if it is determined that the  
7 communication station does not have a communication channel available, to enable receipt of  
8 [one or more digits] a digit of a telephone number from the telephone interface even if no  
9 communication channels are available [to compare each of digit of the telephone number, as  
10 received, against corresponding digit(s) of one or more emergency codes associated with one or  
11 more emergency telephone numbers and determine whether a priority channel request is required  
12 to facilitate an emergency telephone call] and to compare the received digit, as received, against  
13 a corresponding digit of one or more emergency codes and, if the digits match, accept and  
14 compare a subsequent digit of the telephone number from the interface, as necessary, to

15 determine whether a priority channel request is required to facilitate an emergency telephone  
16 call, and otherwise disabling the interface from accepting further digits if it is determined that the  
17 received digit is not associated with an emergency code.

1 79. (Amended) A wireless subscriber unit comprising:  
2 a telephone interface, to enable a user to enter a telephone number to place a telephone  
3 call; and  
4 a transceiver, coupled to the telephone interface, to accept entry of a digit of a telephone  
5 number [entered by the user] from the interface even after determining that no communication  
6 channels are currently available from a servicing communication station, [to compare each digit  
7 of the telephone number as received against a corresponding digit of one or more emergency  
8 codes to determine whether to issue a priority channel request to the communication station for a  
9 communication channel if the telephone number received from the telephone interface  
10 corresponds to one or more emergency services, and to disable receipt of additional digits of a  
11 telephone number if it is determined that a received digit is not associated with an emergency  
12 code] to compare the received digit, as received, against a corresponding digit of one or more  
13 emergency codes and, if the digits match, accept and compare a subsequent digit of the telephone  
14 number from the interface, as necessary, to determine whether a priority channel request is  
15 required to facilitate an emergency telephone call, and otherwise disabling the interface from  
16 accepting further digits if it is determined that the received digit is not associated with an  
17 emergency code.